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MAR 3 2003

In re Application of)
Benjamin N. Eldridge et al.)
Application No. 09/364,788)
Filed: July 30, 1999)
For: INTERCONNECT ASSEMBLIES AND)
METHODS)

DECISION ON PETITION

This is a decision on the petition, filed February 13, 2003, via facsimile transmission, requesting reconsideration of the holding of abandonment. The petition is being treated as a petition to remail of the final Office action of July 31, 2002 in the above-identified application.

The petition is GRANTED.

A Final Office action was mailed July 31, 2002. The issue fee and corrected formal drawings were due within three (3) months of this mail date.

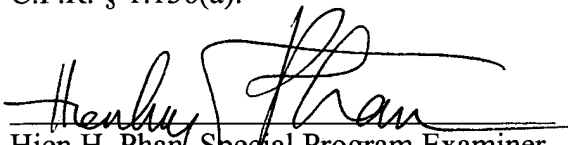
Petitioner states that he was made aware of the status of the instant application upon receiving a telephone call from the examiner inquiring whether a response to the final Office action has been submitted. Petitioner asserts that the final Office action was not received, that a search of the file jacket and records indicates that it was not received. A copy of the docket record "where the 30th [sic, 31st] Office action would have been entered had it been received."

A review of the application file record indicates a "Revocation and Power of Attorney by Assignee to Exclusion of Inventor Under 3.71 and Change of Correspondence Address" was filed on May 29, 2002. The correspondence address was changed but incorrectly recorded. Consequently, the final Office action was mailed to an incorrect address of record. Although there is no evidence of record that the final Office action was returned undelivered to the Patent and Trademark Office, it is clear from the record that the applicant was not duly served notice that a response to the final Office action was due within the statutory period set therein. The application is not abandoned in fact.

The file record and the showing accompanying the petition are adequate to establish non-receipt

of the final Office action. Accordingly, the petition is granted and the final Office action will be remail.

The application file is being forwarded to the technical support staff for remailing the final Office action. The statutory period set therein to file a response will be reset to run three (3) months from the date the Office action is remailed. Extensions of these periods are governed by 37 C.F.R. § 1.136(a).


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